



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3933

by Rep. Emily McAsey

#### SYNOPSIS AS INTRODUCED:

705 ILCS 95/5  
705 ILCS 95/7 new  
705 ILCS 95/10  
705 ILCS 95/15  
705 ILCS 95/20  
705 ILCS 105/27.3g

Amends the Access to Justice Act. Makes changes in the Section concerning legislative findings. Defines "Foundation" and "Illinois Access to Civil Justice Council". Provides that the Illinois Access to Civil Justice Council shall develop (instead of the "General Assembly encourages the Supreme Court to develop") specified pilot programs. Provides that moneys in the Access to Justice Fund shall be directed to and used by the Attorney General for grants to the Illinois Equal Justice Foundation (instead of the Supreme Court) for specified purposes. Provides that grants made under the Act to the Foundation are subject to the requirements of the Illinois Grant Funds Recovery Act. Provides that the Foundation may make grants, enter into contracts, and take other actions recommended by the Council to effectuate the pilot programs and comply with the other requirements of the Act. Contains reporting and administration provisions. Provides that the Council (instead of the Supreme Court) shall study the effectiveness of the pilot programs and submit a report to the Governor and General Assembly by June 1, 2021 (instead of June 1, 2017). Amends the Clerks of Courts Act. Provides that on and after September 1, 2015 (instead of "[i]f the Supreme Court develops a pilot program to provide court-based legal assistance in accordance with the Access to Justice Act"), the clerks of the circuit court shall collect specified fees for deposit into the Access to Justice Fund. Repeals the Section concerning these fees on September 1, 2020 (instead of August 15, 2018). Effective immediately.

LRB099 04960 HEP 31781 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Access to Justice Act is amended by changing  
5 Sections 5, 10, 15, and 20 and by adding Section 7 as follows:

6 (705 ILCS 95/5)

7 Sec. 5. Findings.

8 (a) The justice system in this State can only function  
9 fairly and effectively when there is meaningful access to legal  
10 information, resources, and assistance for all litigants,  
11 regardless of their income or circumstances.

12 (b) Increasing numbers of people throughout this State,  
13 including an increasing number of active duty service members  
14 and veterans, are coming into the courts without legal  
15 representation for cases involving important legal matters  
16 impacting the basics of life such as health, safety, and  
17 shelter. In order for the courts to provide fair and efficient  
18 administration of justice in these cases, it is critical that  
19 people, and active duty service members and veterans in  
20 particular, have better access to varying levels of legal  
21 assistance appropriate for their individual circumstances,  
22 which will reduce the number of cases the courts must manage  
23 and reduce unnecessary backlogs and delays in the court system

1 for the benefit of all litigants.

2 (c) An increasing number of active duty service members and  
3 veterans in this State have a need for legal information and  
4 assistance in a variety of matters that are often critical to  
5 their safety and independence, yet they are often unable to  
6 access that assistance. Providing access to legal advice and a  
7 referral system of attorneys for veterans and active duty  
8 service members, who often have underlying issues relating to  
9 their military service, increases the efficiency of the court  
10 system and advances access to justice for everyone in this  
11 State.

12 (Source: P.A. 98-351, eff. 8-15-13.)

13 (705 ILCS 95/7 new)

14 Sec. 7. Definitions. As used in this Act:

15 (a) "Foundation" means the Illinois Equal Justice  
16 Foundation, a not-for-profit corporation created by the  
17 Illinois State Bar Association and the Chicago Bar Association  
18 and recognized under the Illinois Equal Justice Act.

19 (b) "Illinois Access to Civil Justice Council" or "Council"  
20 means a special advisory body created by the Foundation. The  
21 Council consists of 7 members, appointed as follows: one by the  
22 Lawyers Trust Fund of Illinois, one by the Chicago Bar  
23 Foundation, one by the Illinois Bar Foundation, one by the  
24 Illinois Department of Veterans' Affairs, one by the Illinois  
25 Attorney General, and 2 by the Foundation or any successor

1 entities or agencies as designated by the Council.

2 (705 ILCS 95/10)

3 Sec. 10. Pilot programs.

4 (a) The Illinois Access to Civil Justice Council shall  
5 ~~General Assembly encourages the Supreme Court to~~ develop: (i) a  
6 pilot program to create a statewide military personnel and  
7 veterans' legal assistance hotline and coordinated network of  
8 legal support resources; and (ii) a pilot program to provide  
9 court-based legal assistance within a circuit court in each  
10 appellate district of this State.

11 (b) The General Assembly recommends that ~~the rules~~  
12 ~~developing~~ the pilot programs:

13 (1) provide intake, screening, and varying levels of  
14 legal assistance to ensure that the parties served by these  
15 programs have meaningful access to justice;

16 (2) gather information on the outcomes associated with  
17 providing the services described in paragraph (1) of this  
18 subsection; and

19 (3) guard against the involuntary waiver of rights or  
20 disposition by default.

21 (Source: P.A. 98-351, eff. 8-15-13.)

22 (705 ILCS 95/15)

23 Sec. 15. Access to Justice Fund.

24 (a) The Access to Justice Fund is created as a special fund

1 in the State treasury. The Fund shall consist of fees collected  
2 under Section 27.3g of the Clerks of Courts Act. ~~Moneys Subject~~  
3 ~~to appropriation, moneys~~ in the Access to Justice Fund shall be  
4 directed to and used by the Attorney General for grants to the  
5 Foundation ~~Supreme Court~~ for the administration of the pilot  
6 programs created under this Act. Grants made under this Act to  
7 the Foundation are subject to the requirements of the Illinois  
8 Grant Funds Recovery Act.

9 (b) In accordance with the requirements of the Illinois  
10 Equal Justice Act, the Foundation may make grants, enter into  
11 contracts, and take other actions recommended by the Council to  
12 effectuate the pilot programs and comply with the other  
13 requirements of this Act.

14 (c) The governing board of the Foundation must prepare and  
15 submit an annual report to the Governor, the President of the  
16 Senate, the Minority Leader of the Senate, the Speaker of the  
17 House of Representatives, the Minority Leader of the House of  
18 Representatives, and the Justices of the Illinois Supreme  
19 Court. The report must include: (i) a statement of the total  
20 receipts and a breakdown by source during each of the previous  
21 2 calendar years; (ii) a list of the names and addresses of the  
22 recipients that are currently receiving funds and that received  
23 funds in the previous year and the amounts committed to  
24 recipients for the current year and paid in the previous year;  
25 (iii) a breakdown of the amounts paid during the previous year  
26 to recipients and the amounts committed to each recipient for

1 the current year; (iv) a breakdown of the Foundation's costs in  
2 administering the Fund; (v) a statement of the Fund balance at  
3 the start and at the close of the previous year and the  
4 interest earned during the previous year; and (vi) any notices  
5 the Foundation issued denying applications for moneys under  
6 this Act. The report, in its entirety, is a public record, and  
7 the Foundation and the Governor shall make the report available  
8 for inspection upon request.

9 (d) The Foundation may annually retain a portion of the  
10 amounts it receives under this Section to reimburse the  
11 Foundation for the actual cost of administering the Council and  
12 for making the grants and distributions pursuant to this Act  
13 during that year.

14 (e) No moneys distributed from the Access to Justice Fund  
15 may be directly or indirectly used for lobbying activities, as  
16 defined in Section 2 of the Lobbyist Registration Act or as  
17 defined in any ordinance or resolution of a municipality,  
18 county, or other unit of local government in Illinois.

19 (f) The Foundation may make, enter into, and execute  
20 contracts, agreements, leases, and other instruments with any  
21 person, including without limitation any federal, State, or  
22 local governmental agency, and may take other actions that may  
23 be necessary or convenient to accomplish any purpose authorized  
24 by this Act.

25 (g) The Foundation has the authority to receive and accept  
26 any and all grants, loans, subsidies, matching funds,

1 reimbursements, federal grant moneys, fees for services, and  
2 other things of value from the federal or State government or  
3 any agency of any other state or from any institution, person,  
4 firm, or corporation, public or private, to be used to carry  
5 out the purposes of this Act.

6 (Source: P.A. 98-351, eff. 8-15-13.)

7 (705 ILCS 95/20)

8 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study  
9 the effectiveness of the pilot programs implemented under this  
10 Act and submit a report to the Governor and General Assembly by  
11 June 1, 2021 ~~2017~~. The report shall include the number of  
12 people served in each pilot program and data on the impact of  
13 varying levels of legal assistance on access to justice, the  
14 effect on fair and efficient court administration, and the  
15 impact on government programs and community resources. This  
16 report shall describe the benefits of providing legal  
17 assistance to those who were previously unrepresented, both for  
18 the clients and the courts, and shall describe strategies and  
19 recommendations for maximizing the benefit of that  
20 representation in the future. The report shall include an  
21 assessment of the continuing unmet needs and, if available,  
22 data regarding those unmet needs.

23 (Source: P.A. 98-351, eff. 8-15-13.)

24 Section 10. The Clerks of Courts Act is amended by changing

1 Section 27.3g as follows:

2 (705 ILCS 105/27.3g)

3 (Section scheduled to be repealed on August 15, 2018)

4 Sec. 27.3g. Pilot program; Access to Justice Act.

5 (a) On and after September 1, 2015 ~~If the Supreme Court~~  
6 ~~develops a pilot program to provide court based legal~~  
7 ~~assistance in accordance with Section 10 of the Access to~~  
8 ~~Justice Act~~, all clerks of the circuit court shall charge and  
9 collect at the time of filing the first pleading, paper, or  
10 other appearance filed by each party in all civil cases, in  
11 addition to any other fees, a fee of \$10, but no additional fee  
12 shall be required if more than one party is represented in a  
13 single pleading, paper, or other appearance. Fees received by  
14 the clerk of the circuit court under this Section shall be  
15 remitted by the clerk of the circuit court to the Attorney  
16 General, within one month after receipt, ~~to the Supreme Court~~  
17 for deposit into the Access to Justice Fund created under  
18 Section 15 of the Access to Justice Act.

19 (b) This Section is repealed on September 1, 2020 ~~5 years~~  
20 ~~after the effective date of this amendatory Act of the 98th~~  
21 ~~General Assembly~~.

22 (Source: P.A. 98-351, eff. 8-15-13.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.